

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**  
UNITED STATES OF AMERICA, : 18-cr-00419-BMC-5  
:   
- versus - : U.S. Courthouse  
: Brooklyn, New York  
:   
:   
XUE WEI QU, : March 28, 2019  
Defendant : 9:48 AM  
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING  
BEFORE THE HONORABLE CHERYL L. POLLAK  
UNITED STATES MAGISTRATE JUDGE

**A P P E A R A N C E S:**

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Proceedings

1 THE CLERK: This is matter of the United States  
2 v. Xue Wei Qu, case number 18-cr-419, Criminal Cause for  
3 Pleading.

4 Counsel, please state your appearances for the  
5 record.

6 MR. CAMPOS: William Campos for the United  
7 States. Also present, your Honor, is Special Assistant  
8 United States Attorney Robert Kaftal.

9 Good morning.

10 THE COURT: Good morning.

11 MR. MOTTOLA: Good morning, your Honor.

12 For Ms. Qu, Lawrence Mottola.

13 THE COURT: All right, good morning.

14 And we have with us this morning, a Mandarin  
15 interpreter?

16 MR. CAMPOS: Yes, your Honor.

17 THE COURT: Would you please state your name  
18 for the record?

19 THE INTERPRETER: Patsy Ong.

20 (INTERPRETER SWORN)

21 THE COURT: All right. You may be seated.

22 Good morning, Ms. Xue Wei Qu. Am I pronouncing  
23 your name right?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. We're using the services of

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1 an interpreter to assist you in understanding these  
2 proceedings. If at any point something is said that you  
3 don't understand, please tell me, okay?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay. All right.

6 The first issue I want to deal with is your  
7 consent to have me hear your plea. You understand that  
8 this is Judge Cogan's case and he is the United States  
9 district judge who will sentence you and who will make  
10 the ultimate decision as to whether or not to accept your  
11 plea of guilty.

12 If you wish, you have the absolute right to  
13 have Judge Cogan hear your plea and if you choose to do  
14 that, there will be no prejudice to you.

15 On the other hand, if you wish, I will hear  
16 your plea this afternoon and a transcript of these  
17 proceedings will be made from the tape recording devices  
18 here in the courtroom and that transcript will be given  
19 to Judge Cogan at the time of your sentence and when he  
20 considers whether or not to accept your plea of guilty.

21 Do you wish to give up your right to have  
22 Judge Cogan hear your plea and proceed instead before me  
23 this morning?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you make this decision

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1 voluntarily and of your own free will?

2 THE DEFENDANT: Yes, it is.

3 THE COURT: Has anyone made any threats or  
4 promises to get you to agree to have me hear your plea?

5 THE DEFENDANT: No.

6 THE COURT: This is the consent form I believe  
7 you signed earlier.

8 Have you seen this before? Have you seen it  
9 before?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. Did you discuss it with your  
12 attorney?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. And is that your signature  
15 there on the form?

16 THE DEFENDANT: Correct.

17 THE COURT: Okay. And I will note for the  
18 record that it's been signed by counsel for the defendant  
19 and by the Assistant United States Attorney and I am  
20 endorsing it, as well. Is today the 27th or is it the  
21 28th?

22 MR. CAMPOS: Today is the 28th, your Honor.

23 THE COURT: Okay. It's dated the 27th. I will  
24 just --

25 MR. CAMPOS: Oh.

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1 THE COURT: -- put the 28th underneath my  
2 signature, so we know. Okay, that's fine. I just was a  
3 little confused.

4 So now, before I can hear your plea, there are  
5 a number of questions that I must ask you to ensure that  
6 it is a valid plea. If you don't understand any of my  
7 questions, please tell me and I'll rephrase them, okay?

8 THE DEFENDANT: Yes.

9 THE COURT: Will you raise your right hand,  
10 please?

11 X U E W E I Q U ,

12 having been first duly sworn, was examined and  
13 testified as follows:

14 THE COURT: You understand that having been  
15 sworn, your answers to my questions will be subject to  
16 the penalties of perjury or making a false statement if  
17 you don't answer them truthfully.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. What is your full name?

21 THE DEFENDANT: My last name is Qu, and my full  
22 name is Xue Wei Qu.

23 THE COURT: Okay. And Ms. Qu, how old are you?

24 THE DEFENDANT: I was born October 18th, 1966.

25 THE COURT: Okay. And how far did you go in

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1 school? What's your educational level?

2 THE DEFENDANT: High school.

3 THE COURT: Did you finish high school?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay.

6 Have you had any problems communicating with  
7 your attorney?

8 THE DEFENDANT: No.

9 THE COURT: And counsel, have you had any  
10 problems communicating with your client?

11 MR. MOTTOLA: No, your Honor.

12 THE COURT: Do you communicate with her in  
13 Mandarin or do you use an interpreter or how do you  
14 communicate?

15 MR. MOTTOLA: She speaks limited English. I  
16 use English when possible but my support staff all speak  
17 Mandarin, as well, and they often will translate when we  
18 have lengthy conversations.

19 THE COURT: Okay. So Ms. Qu, you do understand  
20 some English.

21 Is that correct?

22 THE DEFENDANT: A little bit.

23 THE COURT: Okay. So are you presently or have  
24 you recently been under the care of either a physician or  
25 a psychiatrist?

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1 THE DEFENDANT: No.

2 THE COURT: In the last 24 hours, have you  
3 taken any narcotic drugs?

4 THE DEFENDANT: No.

5 THE COURT: Any medicine or pills of any kind  
6 in the last 24 hours?

7 THE DEFENDANT: No. No.

8 THE COURT: Have you had any alcohol to drink  
9 in the last 24 hours?

10 THE DEFENDANT: No.

11 THE COURT: Have you ever been hospitalized or  
12 treated for a narcotics addiction?

13 THE DEFENDANT: No.

14 THE COURT: Have you ever been treated for any  
15 mental or emotional problems?

16 THE DEFENDANT: No.

17 THE COURT: As you sit here today, is your mind  
18 clear?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand what we are doing  
21 here today?

22 THE DEFENDANT: I do.

23 THE COURT: Counsel, have you discussed the  
24 matter of pleading guilty with your client?

25 MR. MOTTOLA: Yes, your Honor.

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1 THE COURT: And does she understand the rights  
2 that she will be waiving by pleading guilty?

3 MR. MOTTOLA: Yes, your Honor.

4 THE COURT: In your view, is she capable of  
5 understanding the nature of these proceedings?

6 MR. MOTTOLA: Yes.

7 THE COURT: Do you have any doubt as to her  
8 competence to plead at this time?

9 MR. MOTTOLA: No.

10 THE COURT: Have you advised her of the maximum  
11 sentence and the fine that can be imposed as a result of  
12 her plea here?

13 MR. MOTTOLA: I have, your Honor. We discussed  
14 the plea agreement last week in my office, and again this  
15 morning with the aid of the interpreter.

16 THE COURT: And have you discussed with her the  
17 operation of the sentencing guidelines in this case?

18 MR. MOTTOLA: I have.

19 THE COURT: And I take it, counsel, you are  
20 retained in this matter?

21 MR. MOTTOLA: Yes, your Honor.

22 THE COURT: Okay.

23 THE DEFENDANT: Correct.

24 THE COURT: So Ms. Qu, first of all, I want to  
25 make sure that you understand that you have the right to



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1 be represented by an attorney in connection with these  
2 charges.

3 Do you understand that?

4 THE DEFENDANT: I understand.

5 THE COURT: Okay. Now I know you have retained  
6 counsel in this case but if for some reason, you could  
7 not afford counsel, the Court would appoint an attorney  
8 to represent you.

9 Do you understand that?

10 THE DEFENDANT: I do.

11 THE COURT: Do you feel that you have had  
12 enough time to discuss your case with your attorney?

13 THE DEFENDANT: Yes.

14 THE COURT: And are you satisfied to have him  
15 represent you?

16 THE DEFENDANT: Yes, I am satisfied.

17 THE COURT: Okay. Have you received a copy of  
18 the indictment, the charges in this case?

19 THE DEFENDANT: Yes, I have.

20 THE COURT: Okay. And have you discussed the  
21 charges with your attorney?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. Now it's my understanding  
24 that you seek to plead guilty today to Count 1 of the  
25 indictment which charges you with charges you with in or

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1 about and between April 2011, and December 2016, both  
2 dates being approximate and inclusive within the Eastern  
3 District of New York, and elsewhere, you together with  
4 others did knowingly and intentionally conspire to  
5 traffic in goods, specifically handbags, wallets, belts,  
6 scarves, and other merchandise, and to use one or more  
7 counterfeit marks on and in connection with these goods  
8 in violation of U.S. law.

9 Do you understand that?

10 THE DEFENDANT: I understand.

11 THE COURT: First of all, let me just make sure  
12 you understand what a conspiracy is. A conspiracy is  
13 simply an agreement between two or more people to do  
14 something unlawful. In this case, you're charged with  
15 agreeing with others to traffic in goods that had  
16 counterfeit marks.

17 Do you understand the charge?

18 THE DEFENDANT: I do.

19 THE COURT: And you've discussed this charge  
20 with your attorney?

21 THE DEFENDANT: Yes, we have discussed it.

22 THE COURT: I want to make sure that you  
23 understand the rights that you will be giving up if you  
24 decide to plead guilty to this charge.

25 If you were to persist in pleading not guilty,

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1 under the Constitution and the laws of the United States,  
2 you would be entitled to a speedy and public trial by  
3 jury with the assistance of counsel on the charge  
4 contained in the indictment.

5 Do you understand that?

6 THE DEFENDANT: I do understand.

7 THE COURT: At the trial, you would be presumed  
8 innocent. The government would have to overcome that  
9 presumption and prove you guilty by competent evidence  
10 and beyond a reasonable doubt.

11 You would not have to prove that you were  
12 innocent. If the government were to fail, the jury would  
13 have the duty to find you not guilty.

14 Do you understand that?

15 THE DEFENDANT: I do.

16 THE COURT: In the course of a trial, the  
17 witnesses for the government would have to come to court.  
18 They would have to testify in your presence. Your  
19 attorney would have the right to cross-examine those  
20 witnesses for the government, to object to any evidence  
21 offered by the government and he could subpoena witnesses  
22 and offer testimony and evidence on your behalf.

23 Do you understand that?

24 THE DEFENDANT: I do.

25 THE COURT: At the trial, while you would have

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1 the right to testify if you chose to do so, you could not  
2 be forced to testify. Under the Constitution of the  
3 United States, a defendant in a criminal case cannot be  
4 forced to take the witness stand and say anything that  
5 could be used to show that she is guilty of the crime  
6 with which they've been charged.

7 If you were to decide not to testify, the Court  
8 would instruct the jury that they could not hold that  
9 decision against you.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: If you plead guilty on the other  
13 hand, I'm going to have to ask you certain questions  
14 about what it is that you did in order to satisfy myself  
15 that you are, in fact, guilty of the charge to which you  
16 seek to plead guilty. And you're going to have to answer  
17 my questions and acknowledge your guilt.

18 Thus, you will be giving up that right that I  
19 just described; that is, the right not to say anything  
20 that could be used to show that you are guilty of the  
21 crime with which you've been charged.

22 Do you understand that?

23 THE DEFENDANT: I do.

24 THE COURT: If you plead guilty and I recommend  
25 to Judge Cogan to accept your plea, you will be giving up

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1 your constitutional right to a trial and all of the other  
2 rights that I have just described. There will be no  
3 further trial of any kind. Judge Cogan will simply enter  
4 a judgment of guilty based upon your guilty plea.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Are you willing to give up your  
8 right to a trial and the other rights that I have just  
9 described?

10 THE DEFENDANT: Yes, I am giving up the -- the  
11 right to a trial.

12 THE COURT: And all of the other rights that  
13 I've just described?

14 THE DEFENDANT: Yes.

15 THE COURT: Now I understand there is a written  
16 plea agreement. I am marking it as Court Exhibit 1 for  
17 purposes of today's proceedings.

18 Ms. Qu, could you please take a look at this  
19 and tell me first of all, if you've seen the agreement  
20 before?

21 THE DEFENDANT: Yes, I have seen it before.

22 THE COURT: Has it been read to you in your  
23 language?

24 THE DEFENDANT: The attorney had explained it  
25 to me.

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1 THE COURT: Okay. It hasn't been translated,  
2 counsel?

3 MR. MOTTOLA: I explained it to her, your  
4 Honor, in my office through an interpreter, and again  
5 this morning with the interpreter that is seated beside  
6 my client.

7 THE COURT: Okay. Ms. Qu, do you understand  
8 what the agreement says?

9 THE DEFENDANT: I do.

10 THE COURT: Okay. And would you turn to the  
11 last page, please, and tell me if that is your signature  
12 there?

13 THE DEFENDANT: Correct.

14 THE COURT: Okay. Does this agreement fully  
15 and accurately reflect your understanding of the  
16 agreement that you have with the government?

17 THE DEFENDANT: Yes.

18 THE COURT: Other than the promises that are in  
19 the agreement, has anyone made any other promise that has  
20 caused you to plead guilty here?

21 THE DEFENDANT: No.

22 THE COURT: Has anyone made any promise as to  
23 what your sentence will be?

24 THE DEFENDANT: No.

25 THE COURT: I want to briefly review with you

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1 the sentencing scheme that applies here. The statute  
2 that you are accused of violating carries a minimum term  
3 of imprisonment of zero years but a maximum of up to ten  
4 years in prison.

5 Do you understand that?

6 THE DEFENDANT: I do.

7 THE COURT: Okay. Now there are in effect what  
8 are called sentencing guidelines and those guidelines are  
9 merely that; a guide to help the Court determine where  
10 within that zero to ten year range your sentence should  
11 fall.

12 The guidelines are not mandatory but the Court  
13 is required to consider the guidelines along with all  
14 other relevant factors in determining what an appropriate  
15 sentence for you should be.

16 Do you understand all of that?

17 THE DEFENDANT: Yes.

18 THE COURT: The important thing that you must  
19 understand is that until the time of sentencing when  
20 Judge Cogan is going to get what is called a presentence  
21 report which will be prepared by the probation department  
22 following your plea here, and the judge has an  
23 opportunity to hear from you, and to hear from your  
24 attorney, and to hear from the government, until that  
25 time, no one can promise you exactly what your sentence

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1 will be; not your attorney, not the government's  
2 attorney, not me, or even Judge Cogan until then.

3 Do you understand that?

4 THE DEFENDANT: I do.

5 THE COURT: Okay. Nevertheless, I am going to  
6 ask the government just to put on the record what your  
7 calculation of the guideline range would be based upon  
8 what we know today.

9 MR. CAMPOS: Your Honor, based on the evidence  
10 know today, the government estimates the guidelines as  
11 follows: The government estimates that there would be a  
12 base offense level in this case at level 8, with a loss  
13 of more than \$250,000 would add 12 points to the  
14 calculation, and that the infringing items were imported  
15 from overseas, would add another two points to the  
16 calculation and that would bring us to 22 points for the  
17 offense level.

18 If we subtract two points for acceptance of  
19 responsibility, that brings a range of imprisonment under  
20 the guidelines, assuming the defendant falls within  
21 category -- criminal history category one of 33 to 41  
22 months.

23 There's an additional point subtracted if the  
24 defendant pled guilty before April 2nd of this year,  
25 which would mean that the offense level would be a level



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1 19, and the corresponding guideline range of imprisonment  
2 would be of 30 to 37 months imprisonment, again assuming  
3 that the defendant falls within criminal history category  
4 one.

5 That would be the government's estimate as to  
6 the guidelines, your Honor.

7 THE COURT: Okay. And counsel, I understand  
8 from the plea agreement that you have, and your client  
9 have stipulated to that guidelines calculation. Is that  
10 correct?

11 MR. CAMPOS: Yes, your Honor.

12 THE COURT: Okay.

13 So you understand, Ms. Qu, that the guideline  
14 estimate that the government just put on the record is  
15 not binding on the Court or on the probation department.  
16 If for some reason, the Court or the probation department  
17 decides that the guideline range is different, you will  
18 not be allowed to withdraw your guilty plea.

19 Do you understand that?

20 THE DEFENDANT: I do.

21 THE COURT: Okay. You also understand that as  
22 a result of your plea here, you face removal or  
23 deportation back to your home country if you are not a  
24 citizen of the United States.

25 Do you understand that?

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1 THE DEFENDANT: I do.

2 THE COURT: Okay. And nevertheless, you want  
3 to continue to plead guilty regardless of any immigration  
4 consequences, even if it means you will be deported from  
5 the United States.

6 Is that what you wish to do?

7 THE DEFENDANT: Correct.

8 THE COURT: If for some reason you are not  
9 deported immediately upon completing any jail sentence  
10 that you are required to serve, you face a term of  
11 supervised release for as long as you remain in this  
12 country.

13 Do you know what supervised release is?

14 THE DEFENDANT: I do.

15 THE COURT: Okay. Basically, once you're  
16 released from jail, there may be certain restrictions  
17 placed on your freedom while you are here in the United  
18 States; reporting to a probation officer is one common  
19 example.

20 Do you understand that?

21 THE DEFENDANT: I do.

22 THE COURT: Okay. The important thing here is  
23 that you face a maximum term of supervised release of  
24 three years, and if you violate any of the conditions of  
25 supervised release, you can be sentenced up to two years

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1 in prison without getting any credit for the time that  
2 you previously served in prison, and without getting any  
3 credit for the time that you served successfully on  
4 supervised release up until the date that you committed  
5 the violation.

6 Do you understand that?

7 THE DEFENDANT: I understand.

8 THE COURT: You also face a potential fine.  
9 The maximum fine that can be imposed as a result of your  
10 plea here is \$2 million.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: And you will also have to pay  
14 restitution.

15 Does the government have some estimate of what  
16 that might be at this point?

17 MR. CAMPOS: At this point, your Honor, the  
18 government doesn't have a reasonable estimate of that.  
19 We have not yet obtained all of the documentation from  
20 the victim companies.

21 THE COURT: So, the amount of restitution that  
22 you will be ordered to pay is something that the Court  
23 will determine at a later date.

24 Do you understand that?

25 THE DEFENDANT: I do.

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1 THE COURT: Okay. And you understand though  
2 that whatever that is, you will be required to pay it.

3 Do you understand that?

4 THE DEFENDANT: I do.

5 THE COURT: Okay. You also must pay a \$100  
6 special assessment.

7 Do you understand that, as well?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. And then the plea agreement  
10 also provides that you have consented to the entry of a  
11 forfeiture money judgment in the amount of \$90,000.

12 Do you understand that?

13 THE DEFENDANT: I know.

14 THE COURT: Okay. And that amount must be paid  
15 no later than seven days prior to your sentencing date.

16 THE DEFENDANT: I know.

17 THE COURT: Okay. And you understand that  
18 you've consented to this amount and that you have agreed  
19 to assist the government in effectuating that payment,  
20 and you're not going to file any claims or assist anyone  
21 else in filing a claim to get that money.

22 Do you understand that?

23 THE DEFENDANT: Yeah. I'm willing to do that.

24 THE COURT: Okay. You understand that if you  
25 don't, that's considered a breach of the plea agreement,

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1 and the government could bring additional charges against  
2 you.

3 Do you understand that?

4 THE DEFENDANT: I do.

5 THE COURT: In the plea agreement, you've also  
6 agreed that you will disclose all of your assets to the  
7 government on a financial statement 60 days before the  
8 date of sentencing. Again, a failure to inform the  
9 government of your assets would be a breach of the plea  
10 agreement.

11 Do you understand that, as well?

12 THE DEFENDANT: I do.

13 THE COURT: And you've given up any right that  
14 you have to notice, and a jury trial on the entry of this  
15 forfeiture money judgment.

16 Do you understand that, as well?

17 THE DEFENDANT: I understand.

18 THE COURT: Okay. Finally, you have the right  
19 to appeal your conviction if you believe that your guilty  
20 plea here is somehow unlawful or involuntary or there was  
21 some other fundamental defect in these proceedings that  
22 was not waived by your plea.

23 You also have a statutory right to appeal your  
24 sentence under certain circumstances if you believe that  
25 your sentence is contrary to law.

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1           However, in the plea agreement you've agreed  
2 that you will not file an appeal or otherwise challenge  
3 your conviction or your sentence so long as the Court  
4 imposes a term of imprisonment of 41 months or less.

5           Do you understand that?

6           THE DEFENDANT: I understand.

7           THE COURT: Counsel, is there anything else in  
8 the plea agreement that I need to review with the  
9 defendant?

10          MR. CAMPOS: I don't think so, your Honor.

11          THE COURT: Okay.

12          MR. MOTTOLA: No, your Honor.

13          THE COURT: Ms. Qu, do you have any questions  
14 that you would like to ask me about the charge or your  
15 rights or the plea agreement or anything else before we  
16 proceed?

17          THE DEFENDANT: No.

18          THE COURT: Are you ready to plead at this  
19 time?

20          THE DEFENDANT: Yes.

21          THE COURT: Counsel, do you know of any reason  
22 why the defendant should not plead guilty?

23          MR. MOTTOLA: No, your Honor.

24          THE COURT: Are you aware of any viable legal  
25 defense to the charges?

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1 MR. MOTTOLA: No, your Honor.

2 THE COURT: All right. Xue Wei Qu, what is  
3 your plea to Count 2 of indictment 18-cr-419, guilty --  
4 no?

5 MR. CAMPOS: It's Count 1, your Honor.

6 MR. MOTTOLA: Count 1.

7 THE COURT: What did I say? Oh, I am sorry.  
8 Let me go back. Sorry. Let me start over again.

9 So, Ms. Xu Wei Qu, what is your plea to Count 1  
10 of indictment 18-cr-419, guilty or not guilty?

11 THE DEFENDANT: Guilty.

12 THE COURT: Are you making this plea of guilty  
13 voluntarily and of your own free will?

14 THE DEFENDANT: Correct.

15 THE COURT: Has anyone threatened or forced you  
16 to plead guilty?

17 THE DEFENDANT: No.

18 THE COURT: Has anyone made any promise to you  
19 what your sentence will be?

20 THE DEFENDANT: No.

21 THE COURT: All right.

22 I read the charge to you a few minutes ago. I  
23 want you to tell me in your own words what happened  
24 between April 2011, and December 2016, in connection with  
25 this agreement that you had to traffic in these goods

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1 with counterfeit marks. Tell me what you did.

2 THE DEFENDANT: From 2011 to 2016, I went to a  
3 storage in Queens, to deliver some goods for someone  
4 else, and then I also got some goods, so that I sell them  
5 for myself, and I also know these bags were fake. And I  
6 also know that I am culpable also.

7 THE COURT: Okay. And when you said bags, you  
8 mean handbags or wallets? What was the merchandise?

9 THE DEFENDANT: It's handbags.

10 THE COURT: Okay. And when you said they were  
11 fake, that they had trademarks on them to indicate that  
12 they were made by a particular manufacturer but you knew  
13 they were not made by that.

14 THE DEFENDANT: Correct, they were Louis  
15 Vuitton, and MK handbags.

16 THE COURT: And you knew they weren't real  
17 Louis Vuitton and real MK handbags, right?

18 THE DEFENDANT: Correct.

19 THE COURT: Okay. Does the government want me  
20 to ask her any further questions?

21 MR. CAMPOS: I think, your Honor, just among  
22 the goods, the Louis Vuitton and Michael -- the MK goods,  
23 that the defendant trafficked in, in Queens, she helped  
24 others get -- unload shipping containers that were  
25 imported in from China. The reason I ask this is one of



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1 the guideline points that I had brought out.

2 I believe that -- so the question is among the  
3 things that she dealt with, did she also unload -- help  
4 to unload and distribute the fake goods from shipping  
5 containers brought in from China.

6 THE COURT: Do you understand what the  
7 government is asking. And the government wants to know  
8 if you helped other people unload shipping containers  
9 from China, which contained these fake goods.

10 THE DEFENDANT: I did not import them from  
11 China. I just went to a friend's storage to get some of  
12 the goods.

13 THE COURT: Did you know that they had come  
14 from China?

15 THE DEFENDANT: I did.

16 THE COURT: Okay. Does that -- I think that's  
17 good enough for what you're --

18 THE DEFENDANT: I agree.

19 THE COURT: Okay. All right.

20 Counsel, anything else you think I should ask  
21 her?

22 MR. MOTTOLA: No, your Honor.

23 THE COURT: All right.

24 Based on the information given to me, I find  
25 that the defendant is acting voluntarily, fully

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1 understands her rights and the consequences of her plea  
2 and that there is a factual basis for the plea.

3 I will, therefore, recommend to Judge Cogan  
4 that he accept your plea of guilty to Count 1.

5 What happens now is that you're going to be  
6 meeting with someone from the probation department to  
7 prepare the presentence report that we talked about a  
8 little bit earlier. I urge you to cooperate with them,  
9 obviously with counsel's advice.

10 Right now, we have a date set for sentencing of  
11 July 9th at 10 a.m. before Judge Cogan. If for some  
12 reason that doesn't work for counsel or the defendant,  
13 you need to get in touch with Judge Cogan's case manager  
14 about the date, okay?

15 MR. MOTTOLA: Yes.

16 THE COURT: Okay. And I take it that the  
17 defendant is out on bond. She is to remain out on bond  
18 pending sentence. Is that --

19 MR. CAMPOS: The government is not making any  
20 application to change the bond conditions.

21 THE COURT: Okay. So whatever bond conditions  
22 you've been subjected to, Ms. Qu, are still in effect,  
23 and you must comply.

24 Do you understand that?

25 THE DEFENDANT: I do.

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1 THE COURT: Okay. All right. Anything else?

2 MR. CAMPOS: Not from the government.

3 THE COURT: All right. Thank you.

4 MR. MOTTOLA: Thank you.

5 (Matter concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 30th day of April, 2019.

  
Linda Ferrara

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